

February 27, 1974

(Start Belt 5A)

CLERK: LB 620 (read) There are voluminous amendments, Mr. President, In fact the amendments create a whole new bill.

PRESIDENT: The Chair recognizes Senator Barnett.

SENATOR BARNETT: Mr. President and members of the Legislature. I don't know whether this will be controversial , there will probably will be some amendments that might be attempted to be added. I'd like to think that it wouldn't be a controversial bill, and therefore I'd like to try to get it started across the board because it is a necessary piece of legislation as far as I'm concerned, as far as the Judiciary Committee is concerned and I really don't know what to do at this time except to attempt it. And if anybody would say that they have something against it right now, I wish they would stand up before I start on it because it will be quite lengthy.

PRESIDENT: Any objections at the moment, realizes that once it's been explained you can still object.

SENATOR BARNETT: That's right, I understand that.

PRESIDENT: I see no objections, so go ahead and proceed.

SENATOR BARNETT: The amendments, I hope you will help me on this Senator Luedtke. Because I left the file downstairs, and not knowing..I just got back from the east and I didn't know that this was up at this time. Let me try to tell you in the lay term what this piece of legislation will do. At the present time in the Juvenile Court System, or in the trial of minors, across the state. The county attorney is the sole judge as to where this case should be tried. Once he says that this youngster, this juvenile shall be tried in adult court, that's it, there's no right to appeal, there's no criteria set out. He makes this judgement on his own. I had no argument with the County Attorneys, and there was no intention, of having any County Attorneys brought forward in this argument. The idea is to give the juvenile a little better break, I guess the same break that we give adults in that, what it sets up in this bill is for the County Attorney, still decide the initial court that a juvenile should be tried in. Except, in this bill he has the criteria that he shall follow. Or that she shall follow determining which ever one the County Attorney shall be. Now, the criteria is found on page 4, if you are interested in following that part of the bill. That sets up some of the things that must be followed for a County Attorney to determine where this child shall be tried. Now, in the second part of the bill, the juvenile then has the right to appeal. He can appeal this case to the judge that is to hear it. When he appeals this case the judge will then hear and set down through his criteria, the same criteria, if he thinks the County Attorney is right, or if the juvenile may be tried in a different court. For those that unaware of the fact for what the juvenile court system is, and what the adult court system is, I think that it would take an attorney to go into detail. But the Juvenile Court system is much easier as far as the juvenile is concerned in several issues. And it gives them an opportunity to work with the juvenile instead of throwing them into the reformatory immediately. And putting him in with the hardened criminals. Some of them even possibly to the penitentiary. This is what we are trying to prevent. We're